

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WAHIID MUJAHEED ALAMIIN,)	
a/k/a JAMES SCHOCKEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-06-0871-F
)	
JEWEL BEASLEY, et al.,)	
)	
Defendants.)	

AMENDED ORDER¹

Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights.

Magistrate Judge Doyle W. Argo's Report and Recommendation of July 23, 2007 is before the court. (Doc. no. 45.) In his Report, Magistrate Judge Argo recommends that defendants' motion to dismiss or for summary judgment (doc. no. 31), be treated as a motion to dismiss and that the motion be denied. The Report further recommends that plaintiff's motion for an extension of time (doc. no. 43) be denied as moot, and that plaintiff's motion for default judgment and to strike defendants' extension of time (doc. no. 34) be denied.

Defendants have objected to the findings and recommendations included in the Report, and plaintiff has replied to defendants' objections. As required by 28 U.S.C. §636(b)(1), the court has reviewed all objected to matters *de novo*. Having concluded

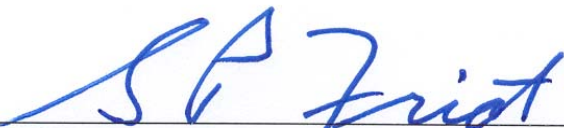
¹The court has noticed a typographical error in its original order, filed at doc. no. 49. In the third paragraph of that order, in the sentence beginning "Having concluded that review....," the court incorrectly refers to "plaintiff's objections" rather than to "defendants' objections." The purpose of this Amended Order is simply to correct that error.

that review, and after careful consideration of defendants' objections, the record, and the relevant authorities, the court finds that it agrees with the Report of the magistrate judge and that no purpose would be served by stating any further analysis here.

Accordingly, the Report and Recommendation of Magistrate Judge Doyle W. Argo is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. Defendants' motion to dismiss or for summary judgment (doc. no. 31) is treated as a motion to dismiss and is **DENIED**. Plaintiff's motion for an extension of time (doc. no. 43) and plaintiff's motion for default judgment and to strike defendants' extension of time (doc. no. 34) is also **DENIED**.

This order does not dispose of the issues referred to the magistrate judge. The matter remains referred to the magistrate judge for further proceedings.

Dated this 11th day of September, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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